

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NEIL WOODS,

PLAINTIFF,

-against-

KARL GOODYEAR, INNOVATIONS of ROCKLAND,
INC., GLORIA HANNA, LEROY ANDREW, SR.,
and ANGELA BAKER,

DEFENDANTS.

DATE: December 8, 2003
TIME: 10:35 a.m.

EXAMINATION BEFORE TRIAL of the

Plaintiff, NEIL WOODS, taken by the Defendant,
pursuant to a Court Order, held at the offices of
BARTON, BARTON & PLOTKIN, LLP., 420 Lexington
Avenue, New York, New York 10170, before a Notary
Public of the State of New York.

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2 A P P E A R A N C E S:

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5 BARTON, BARTON & PLOTKIN, LLP.

6 Attorneys for the Plaintiff

7 420 Lexington Avenue, Room 1918

8 New York, New York 10170

9 BY: PETER W. YOARS, JR., ESQ.

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11 ACITO, KLEIN & CANDILOROS, P.C.

12 Attorneys for Defendant

13 KARL GOODYEAR, INNOVATIONS OF
14 ROCKLAND, INC.

15 535 Fifth Avenue

16 New York, New York 10017

17 BY: GINO DAMASCO, ESQ.

18 File #: 03LP6235

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20 LEAHEY & JOHNSON, P.C.

21 Attorneys for the Defendants

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23 120 Wall Street

24 New York, New York 10005

25 BY: BRIAN CASEY, ESQ.

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21 WILSON, BAVE, CONBOY, COZZA & COUZENS, P.C.

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23 ANGELA BAKER

24 2 William Street

25 White Plains, New York 10601

BY: ROBERT J. GIRONDA, ESQ.

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the first impact?

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A. I don't know how fast my car would have been going at the time that I made that impact.

5

Q. If you could approximate.

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MR. YOARS: Don't guess, but if you can, approximate.

8

9

10

A. I am going to approximate that after hitting my brakes and whatnot, I was probably traveling at ten miles at an hour.

11

12

Q. Immediately before the impact, how fast were you going?

13

A. Approximately 40.

14

15

MR. YOARS: We're not quantifying. This is before you hit any brakes or anything.

16

17

A. Before I saw brake lights flashing in front of me.

18

19

20

Q. Prior to the first impact with your vehicle, did you hear any impacts with any other vehicles?

21

A. No.

22

23

Q. Did you see any impacts with any other vehicles?

24

A. No.

25

Q. Did you hear any screeching tires prior

WOODS

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2 to the first impact with your vehicle?

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4 A. Yes.

5

6 Q. And where did you hear those screeching
7 tires come from?

8

9 A. The vehicle directly in front of me.

10

11 Q. How long before the impact to your
12 vehicle was it when you first heard the screeching
13 tires from the car in front of you?

14

15 A. Approximately a few seconds.

16

17 Q. Did you do anything with the operation
18 of your vehicle as a result of hearing the
19 screeching tires from the car in front of you?

20

21 A. Yes, I hit the brakes.

22

23 Q. At the time you heard the screeching
24 tires from in front of you, how far away were you
25 from the rear of that vehicle?

26

27 A. Approximately a couple of car lengths.

28

29 Q. Were there any cars traveling on your
30 right --

31

32 A. Yes.

33

34 Q. -- at the time you heard the screeching
35 tires from the car in front of you?

36

37 A. Yes.

38

39 Q. Were there any cars traveling in the

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opposite direction at the time you first heard the
tires from the screeching car in front of you?

A. Oh, yes.

Q. Can you tell me the manner in which you
applied the brakes?

A. Vigorously.

Q. As a result of applying your brakes, did
your tires screech?

A. I don't remember.

Q. Okay.

Where did the first impact to your
vehicle occur?

MR. YOARS: Where on his car, right?

MR. DAMASCO: Where on his car.

A. My front end.

Q. And what did the front of your car come
into contact with?

A. The rear end of the car in front of me.

Q. At the time of the first impact, was
your car fully in the left lane?

A. That's correct.

Q. Okay.

As a result of applying your brakes, did
your car skid?

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A. I believe to some degree, yes. There's antilock brakes on it.

3

4

Q. How far did your car skid as a result of your applying the brakes?

5

6

A. I'm not sure.

7

Q. Can you estimate, was it more than a car length?

8

9

MR. YOARS: Don't guess.

10

A. I don't know.

11

Q. Was it more than two car lengths?

12

A. I don't know.

13

Q. Was it more than five car lengths? ;

14

A. I still don't know.

15

Q. At the time your car came into contact with the vehicle in front of you, was the vehicle in front of you moving or stopped?

16

17

18

A. That car was stopped.

19

Q. Prior to the initial contact with your car and the car in front of the you, did you hear any other impacts with any other vehicles?

20

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MR. YOARS: This is before your first contact.

23

24

MR. DAMASCO: No, this is it.

25

MR. YOARS: You said prior to impact his